

REMARKS/ARGUMENTS

Applicants appreciate the thorough review of the present application as evidenced by the Official Action. As discussed in detail below, each independent claim, namely, independent claims 1, 7, 11, 12, 13 and 14, is amended to more definitely set forth the claimed invention and to further patentably distinguish the claimed invention from the cited references. In addition, claims 4, 6, 10, 13 and 14 are amended to correct the lack of an antecedent basis and claims 13 and 14 are further amended to more clearly define the components of the system, as requested by the Official Action. In light of the foregoing amendments and subsequent remarks, Applicants respectfully request reconsideration and allowance of the present application.

A. The Rejection of Claims 4, 6, 10, 13 and 14 under 35 U.S.C. § 112, Second Paragraph, is Overcome

The Official Action rejected each of claims 4, 6, 10, 13 and 14 under 35 U.S.C. § 112, second paragraph, for lacking an antecedent basis. In particular, the Official Action states that claim 4 lacks an antecedent basis for the claimed terms “based on detected conditions,” claims 6 and 10 lack an antecedent basis for the claimed terms “data that has been narrowcasted,” and claims 13 and 14 lack an antecedent basis for the claimed terms “the variable code.” As described below, the lack of an antecedent basis in each of claims 4, 6, 10, 13 and 14 has been corrected.

Claim 4 has been amended to recite that the executable code executing on the client device comprises detecting conditions associated with the client device that indicate a need for updates to the variable data and generating the updates to the variable data based on the detected conditions associated with the client device. Thus, the detecting conditions recital provides an antecedent basis for the claimed terms “based on detected conditions.”

Claims 6 and 10 have been amended to recite that the providing step comprises narrowcasting at least a portion of the variable data and providing variable data that has been narrowcasted. Thus, the narrowcasting recital provides an antecedent basis for the claimed terms “data that has been narrowcasted.”

In addition, claims 13 and 14 have been amended to change the instances of “variable code” to “variable data”, such that the need for an antecedent basis for the claimed terms “the variable code” has been obviated.

Thus, Applicants submit that amended claims 4, 6, 10, 13 and 14 have appropriate antecedent bases for all of the claimed terms as required by 35 U.S.C. § 112, second paragraph. Applicants therefore submit that the rejection of claims 4, 6, 10, 13 and 14 under 35 U.S.C. § 112, second paragraph, is overcome.

B. The Rejection of Claims 1-14 under 35 U.S.C. § 102(b) is Overcome

The Official Action rejected claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,890,138 to Godin et al. Based upon the amendments to independent claims 1, 7, 11, 12, 13 and 14, and the comments below, Applicants submit that the rejection of claims 1-14 under 35 U.S.C. § 102(b) is overcome.

The Godin ‘138 patent discloses a computerized auction method for use via an auction web site that users may access from remote terminals. For security purposes, the users that visit the auction web site can access web servers 10 and 12, but only have access to a database server through a firewall. The database server maintains various database fields with respect to each of the products that are slated to be auctioned, such as a UPC code, a product description, an auction date and time, a current quantity, a starting and closing price for the auction, product images, and other information regarding the product. See Col. 3, lines 24-41 and Figure 1. Thus, the web servers do not maintain sensitive data, but merely retrieve it from the database when requested by the user. See Col. 5, lines 61-63. As shown in Figure 3, users participate in the auction process by visiting the auction web site and viewing a screen entitled “Next on the Block” (see Figure 7) that contains information on upcoming auctions and the products slated for auction. When a user chooses to take part in an auction that is in progress on the auction web site, the product information and the dynamic variables, which are the number of units remaining, the price of a unit, and the time remaining in the auction, are presented to the user. See Col. 6, 1-36. The dynamic variables, provided by the database server to the web server, are frequently updated, typically at a rate between 5 and 10 seconds. The price decreases in a

predetermined manner as the time remaining in the auction decreases. See Col. 6, lines 37-45 and Col. 8, lines 21-25. A user may purchase the product up until the number of units left is zero or the time for the auction has run out. If a user purchases the product, the auction web site presents the user with screens to collect the user's financial information, which then may be confirmed by transmitting the financial information to a bank system via the database server for immediate authorization. Real time feedback then may be provided directly to the user from the bank system. See Col. 6, line 56 to Col. 7, line 30.

In contrast to the disclosure of the Godin '138 patent, amended independent claims 1, 7, 11, 12, 13 and 14 recite methods and systems for providing real-time product information, i.e., content that includes variable data, which is associated with an offering made by a seller via an associate's web site, where the associate is an entity other than the seller. As such, a request for content from a client device is received at a first server device that maintains at least the associate's web site. The first server then provides the associate's web site including the requested content to the client device. Updates to any variable data included in the offering contained in the associate's web site are provided substantially continuously to the client device, where the variable data of the offering is subject to update by the second server. For example, as described in paragraphs 19, 20 and 21 of the specification, systems and methods consistent with the claimed invention embed product offerings and provide real-time product information to clients via an associate's web site. Thus, the claimed invention provides embedded product offerings with real-time product information, which enable a business to sell goods via the Internet or other interactive network without requiring a user to visit the seller's web site and without risk that the offering, such as the price or availability, has changed from that originally displayed. The claimed invention therefore describes systems and methods for continuously updating the seller's offering on an associate's web site to reflect real-time product information. As soon as the specified product and/or specified price are no longer available, the offering is updated to reflect a new price and/or new product that is available.

For example, a first server may provide the associate's web page, such as for a travel agency. The web page may include advertisements not only of the travel agency products, but of special promotions offered by a hotel or airline. A second server may provide the first server

with updates, such as updates of availability or price of the promotions, such that the web page provided to the client device by the first server can include the updated information.

Alternatively, as described below, the second server may provide updates directly to the client device. Notably, however, while the web page is provided by the first server, the information that defines the advertisement is provided by the second server.

In further embodiments of the claimed invention, as recited in dependent claims 3, 4, and 8 and independent claim 13, executable code may be transmitted from the first server to the client device, and the executable code may periodically establish a communication link from the client device to the second server to receive any updates to variable data referenced in the content. For example, as described in paragraphs 35-40 and shown in Figures 2-6, the second server (i.e., the supplemental server 220) retrieves variable data 272 and executable code 279 from memory 270 upon request from the first server 120, and transmits the variable data and executable code to the first server, which transmits the data and code to the client device 102. Alternatively, the supplemental server 220 may transmit the data and code directly to the client device 102. The executable code transmitted to the client 102 from the supplemental server 220 substantially continuously requests updates for the variable data from the supplemental server so that the variable data displayed on the client device reflects the most up-to-date information available. The substantially continuous requests by the executable code on the client device may also be accomplished by maintaining an open connection between the client device 102 and the supplemental server 220, such that the supplemental server may transmit updated information as it is received without requiring a request from the client device. As such, the client device and the supplemental server can directly communicate without involvement by the first server that originally provided the content data to the client device.

While the Godin '138 patent discloses frequent updates of dynamic variables, such as the number of units remaining, the price and the time remaining in the auction, provided by the database server to the web server, then to the user, it does not disclose providing real-time product information, i.e., content that includes variable data, which is associated with an offering made by a seller via an associate's web site that is maintained by a first server, where the associate is an entity other than the seller, and where the variable data contained in the offering is

continuously updated by a second server, as now recited by amended independent claims 1, 7, 11, 12, 13 and 14. The Godin '138 patent states that users participate in the auction process by visiting the auction web site and viewing a screen entitled "Next on the Block" (see Figure 7) that contains information on upcoming auctions and the products slated for auction. When a user chooses to take part in an auction that is in progress on the auction web site, the product information and the dynamic variables, which are the number of units remaining, the price of a unit, and the time remaining in the auction, are presented to the user. See Col. 6, 1-36. Thus, the updates to the dynamic variables described in the Godin '138 patent occur on the auction web site itself (i.e., the seller's web site), not on a separate associate's web site that contains an offering made by the seller.

In particular, the updates to the dynamic variables on the seller's own web site as described in the Godin '138 patent are more straight forward than updating an offering that is located on an associate's web site, as recited by the claimed invention, because it is inherent that any dynamic variables on the seller's own web site will be updated by the seller's databases that also provide all of the content for the seller's web site, which is all that the Godin '138 patent discloses. To provide updates to a seller's offerings made not on the seller's own web site, but instead on an associate's web site, as recited in amended independent claims 1, 7, 11, 12, 13 and 14, further instructions must be provided to the user (i.e., client device) and/or the server that maintains the associate's web site (i.e., the first server) on how to obtain the updates to the seller's offerings from a database or server that is not controlled by the associate (i.e., via the second server/supplemental server). Therefore, the Godin '138 patent does not teach or suggest providing real-time product information, i.e., content that includes variable data, which is associated with an offering made by a seller via an associate's web site, where the associate is an entity other than the seller, to update any variable data contained in the offering from a separate server that is not controlled by the associate, as now recited by amended independent claims 1, 7, 11, 12, 13 and 14.

Furthermore, the Godin '138 patent does not disclose that executable code may be transmitted from the first server to the client device, and the executable code may periodically establish a communication link from the client device to the second server to receive any updates

to variable data referenced in the content, as recited by dependent claims 3, 4, and 8 and independent claim 13. The Godin '138 patent states that the dynamic variables, provided by the database server to the web server, are frequently updated, typically at a rate between 5 and 10 seconds, but that the user's device (i.e., the client device) is never in direct communication with the database server because the database server is located behind a firewall. Thus, the user's device does not know anything about the database server because it is in communication only with the auction web site's web server, and the web server directs all of the communications with the database server. In contrast, the methods and systems of the claimed invention disclose that executable code may be transferred to the client device and when the code is executed, the client device may establish a communication link, either via the first server or a direct communication link, with the server that provides the updates to the variable data (i.e., the supplemental server). Thus, the executable code that executes on the client device, as disclosed by the claimed invention, allows the client device to know the identity of the supplemental server in order to make direct requests to the supplemental server even if the requests are via the first server. Therefore, the Godin '138 patent also does not teach or suggest that executable code may be transmitted from the first server to the client device, and the executable code executing on the client device periodically establishes a communication link with the second server to receive any updates to variable data referenced in the content, as recited by dependent claims 3, 4, and 8 and independent claim 13.

In addition, independent claims 13 and 14 have been amended to more clearly define the components of the system. In particular, amended claims 13 and 14 now further define the processor component of the respective systems by positive recitations of the functional language associated with the processor component.

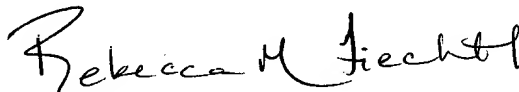
For the forgoing reasons, the Godin '138 patent does not teach or suggest the methods and systems for providing and displaying, respectively, real-time product information of amended independent claims 1, 7, 11, 12, 13 and 14 or any of the claims that depend therefrom, namely claims 2-6, and 8-10. Thus, the rejection of claims 1-14 under 35 U.S.C. § 102(b) is overcome.

CONCLUSION

In view of the remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




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